

Q&A Session for Title III Policy: The Notice of Interpretations

NOTE: The substantive answers set out in this document are based on the Title III Notice of Final Interpretations, which is the Department's definitive interpretation on a number of important issues concerning Title III AMAOs, and the statutory language of Title III.

1. Q: I take it that all ELs must be included in calculations for AMAO2. What is the rationale for this re: making AMAO2 results have some reasonable interpretation? It seems that AMAO2 becomes simply a measure of degree of proficiency rather than attainment.

All Title III-served LEP students must be included in AMAOs – not necessarily all ELs. The rationale for including all Title III-served LEP students in AMAOs is that the law requires students served by Title III to participate in an annual assessment of English language proficiency and be included in annual measurable achievement objectives that measure student progress in (AMAO1) and attainment of (AMAO2) English language proficiency. The particular definitions of “proficiency” and “attainment” for AMAOs 1 and 2 are determined by the States. In the Notice of Final Interpretations, the Department encouraged States to consider a definition of “attainment” for AMAO2 that is consistent with the criteria used under Title I to determine that a LEP student no longer should be included in the LEP subgroup because he/she is proficient in English.

2. Q: So, the number of students included in AMAO 1 and AMAO 2 will be different, based on the number of new students to a state? Also, just to clarify for AMAO 3, we only need to include ELL students enrolled for a full academic year.

The number of students included in AMAO 1 and AMAO 2 may be different – based on whether States have “two data points” from which to measure a Title III-served LEP student’s progress for the purposes of AMAO 1. Any Title III-served LEP student who has participated in at least one annual English language proficiency (ELP) assessment must be included in AMAO 2 determinations.

Regarding AMAO 3, because it is the AYP determination made for the LEP subgroup for Title I accountability purposes, the full academic year provision applies.

3. Q: Some states use a multi-step process for students to achieve full English proficiency (AMAO #2), and the denominator for calculating number of students achieving AMAO # 2 would be only those students who reached step 1. Is this okay?

Assuming this means that some students (depending on what “step” they have or have not reached) are excluded from AMAO determinations, probably not. The Notice of Final Interpretations makes it clear in interpretation 3 that systematically excluding Title III-served LEP students from AMAOs is not acceptable – including AMAOs that are set up such that AMAO 1 and AMAO 2 are mutually exclusive or such that students are only included in AMAO 2 once they have reached a certain level of English language proficiency or have been LEP for a certain number of years.

4. Q: Is it possible to submit revised AMAOs that would be consistent with these Title III interpretations that would apply to the data for the 2007-2008 school year? If so, what is the process and timeline for that?

States can submit requests for changes to their Title III State plans at any time. The Department is in the process of preparing a letter to send to all State Chiefs regarding amendments to State plans for the 2008-2009 school year – which will be due in early 2009. However, it is the Department’s policy that States cannot change their AMAOs to retroactively apply to AMAO determinations they have already made. So if your State has already made 2007-08 AMAO determinations, you may not retroactively apply new definitions or new targets to previously made AMAO determinations.

5. Q: If the state has a definition using the ELP assessment to exit a student from Title III services, but under the state's AYP definition they are still in the LEP subgroup for the 2 years of monitoring, we cannot exit them and must test them?

As long as a LEP student is receiving Title III services, he/she must be included in the State’s annual ELP assessment. If a LEP student is in the two year monitoring or “formerly LEP” group (considered LEP only for the purposes of AYP accountability determinations), he/she is not required to participate in the State’s annual ELP assessment. However, the Department would expect that most States would include such students in the annual ELP assessment as part of their effort to meet the requirement to “monitor” formerly LEP students for two years.

6. Q: AMAO 2 - if this is set for students who have been served for three or more years, do we also have to have targets for those students who have been served less than three years?

Yes. All Title III-served LEP students must be included in AMAO 2 regardless of how long they have received Title III services.

7. Q: Cohorts are optional, not required, for AMAOs, correct?

Correct.

8. Q: May states make changes in their Title III plans based on these final interpretations for school years prior to 2009-2010?

Yes. States may submit for Department review changes for 2008-09. See answer to question 4 above.

9. Q: In AMAO context, does time in program apply only to time in program within a District/LEA?

No, the law does not specify that time in program only applies to time in a program within a particular LEA.

10. Q: Are RFEPs scores included in the AMOA 3?

I am sorry, but I don't know what RFEPs are.

11. Q: Is there a timeframe where we might expect an interpretation on the intersection of Special needs and LEP student?

We don't plan to publish a specific interpretation but recognize the need to provide more guidance on this issue.